

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA,

Plaintiff,

07 CIV 8802  
Judge Cote

-against-

**ANSWER AND  
AFFIRMATIVE DEFENSES**

\$ 7,105.00 IN UNITED STATES CURRENCY,  
Defendant-in-rem  
-----x

The Claimant, Kenneth Francia, by his counsel, OMeara Law Office, submits the following in Answer to the Complaint, and alleges upon information and belief:

1. Denies knowledge and information sufficient to form a belief as to the truth of the allegations in the Complaint designated in the Second and Fourth Paragraphs.

2. Denies each and every allegation in the Complaint designated in the Fifth and Ninth, Paragraphs.

3. Denies each and every allegation in the Complaint designated in the Sixth Paragraphs, except those allegations involving the arrest of the claimant.

4. Neither denies nor admits any of the allegations in the Complaint designated in the Seventh, Eighth and Tenth Paragraphs, on the basis that said allegations constitute a conclusion of law as to which no response is required.

5. Admits paragraphs One and Three.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

6. The Complaint fails to state a claim upon which relief can be granted.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

7 This Court lacks subject matter jurisdiction.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

8. The Complaint is improper in form in that it is written in one large continuous paragraph and does not distinguish between alleged facts, claims, or requested relief.

**WHEREFORE**, the Plaza Defendants demand judgment against the Plaintiff, dismissing the Complaint herein, together with an award of its costs and disbursements in connection with this matter.

Dated: New York, New York  
December 12, 2007

Yours, etc.

OMeara Law Office

By: \_\_\_\_\_  
Melissa Petrozza, Esquire  
Counsel for Defendants  
304 Grand Concourse  
Bronx, New York 10451